

**Findings of Fact**  
**Amended Lot 1, Block 1, Gevser Park Subdivision**

Staff is forwarding the recommended Findings of Fact for Amended Lot 1, Block 1, Gevser Park Subdivision for review and approval by the City Council. These findings are based on the preliminary plat application and supplemental documents and address the review criteria required by the Montana Subdivision and Platting Act (76-3-608, MCA) and the Billings Subdivision Regulations (Section 23-303(H), BMCC).

**A. What are the effects on agriculture, local services, the natural environment, wildlife, wildlife habitat, and public health, safety and welfare? [MCA 76-3-608 (3)(a) and BMCC 23-303(H)(1)]**

**1. Effect on agriculture and agricultural water user facilities**

The subject property is not used for agriculture it is currently a large parking lot for Gevser Family Fun Center (Gevser Park). There is a length of the Suburban Ditch that runs along the west edge of the subject property. The ditch will stay in place as well as the existing easement for the ditch. It is anticipated that there will be no effect on agriculture or water user facilities.

**2. Effect on local services**

- a. **Utilities** – The subdivision is currently served by a public water main located in Southgate Drive. Lot 1A has an existing four-inch domestic water service to the lot from the main located in Southgate Drive. Lot 1B will receive domestic water service and fire water service from connections to the City of Billings 12-inch water main in Southgate Drive. Lot owners will be responsible for connection to these services at the time of lot development.
- b. **Sewer** - The subdivision is currently served by a sanitary sewer main located in Southgate Drive. Lot 1A has an existing six-inch sanitary sewer service to the lot from the existing main. Lot 1B will receive sanitary sewer service by a proposed connection to the existing 12-inch main in Southgate Drive.

Private utilities such as electric and gas are available to the lots upon development. To ensure the proper utility easements are provided, it is recommended that the developer consult with the utility companies and place the requested easements on the final plat. **(Condition #1)**

- c. **Storm water** –All drainage improvements shall comply with the provisions of the *Stormwater Management Manual* and Chapter 28, BMCC, and shall be in accordance with the recommendations of the approved storm drain study to be submitted to the Engineering Division at the time of site development.
- d. **Solid waste** - The City of Billings will provide solid waste collection and disposal. The City’s landfill has adequate capacity for this waste.

- e. **Streets** – The subdivision fronts the existing Southgate Drive. Southgate Drive has an existing 70-foot wide right-of-way dedication and is constructed to a paved width of 49 feet from back of curb to back of curb.

No street improvements are required with this subdivision.

There are currently two accesses to this property for the original use, Geyser Park, and those will remain as they are. The parking for both businesses will be accessible from those accesses. There will need to be a reciprocal access easement agreement to avoid any future issues.  
**(Condition #2)**

- f. **Emergency services** - The Billings Police and Fire Departments will respond to emergencies within the proposed subdivision. The nearest emergency service station is located at 475 6<sup>th</sup> Street West (Station #4). The subdivision is located within the ambulance service area of American Medical Response.
- g. **Schools** –This commercial subdivision should have a minimal effect on schools.
- h. **Parks and Recreation** - Parkland dedication is not required for this subdivision, as it is a commercial subdivision.
- i. **Mail Delivery** - The United States Postal Service will provide postal service to the subdivision. Any special requirements will have to be submitted and approved by the Postal Service.

### **3. Effect on the natural environment**

The proposed subdivision should have only minor effects on the natural environment. There will be short term air and noise pollution associated with construction on the property. Storm water shall be managed in compliance with an approved plan and the property is outside of the flood plain. New development proposals will need to prepare and submit a project-specific geotechnical analysis to minimize any potential impacts from soil and groundwater conditions.

### **4. Effect on wildlife and wildlife habitat**

The proposed subdivision should not affect wildlife or habitat. There are no known endangered or threatened species on the property. However Montana Fish Wildlife and Parks stated that the area is known to have resident deer, wild turkeys and other wildlife presence.

### **5. Effect on the public health, safety and welfare**

The subdivision should not negatively affect public health or safety. The subject property is not within a mapped floodway or flood zone. A geotechnical survey will be required prior to construction to ensure appropriate foundation designs are installed based on the subsurface conditions. There are no obvious threats to public health, safety or welfare.

## **B. Was an Environmental Assessment required? [MCA 76-3-616 and BMCC 23-901]**

The proposed subdivision is exempt from the requirement for an Environmental Assessment pursuant to Section 76-3-616, MCA and 23-901, BMCC.

**C. Does the subdivision conform to the Yellowstone County-City of Billings 2008 Growth Policy Update, the 2006 Billings Heights Neighborhood Plan, the Urban Area Transportation Plan, 2009 Update, and the Billings Area Bikeway and Trails Master Plan? [BMCC 23-303(H)(3)]**

**1. Yellowstone County-City of Billings 2008 Growth Policy Update**

The proposed subdivision is consistent with the following goals of the Growth Policy:

- a. **Goal:** Predictable land use decisions that are consistent with neighborhood character and preferred land use patterns identified in neighborhood plans (p. 6).
- b. **Goal:** New developments that are sensitive to and compatible with the character of adjacent city neighborhoods and County townsites (p.6).
- c. **Goal:** Contiguous development focused in and around existing population centers separated by open space (p. 6).
- d. **Goal:** More housing and business choices within each neighborhood (p. 6).

**2. Urban Area Transportation Plan Update 2009**

The proposed subdivision adheres to the goals and objectives of the 2009 Transportation Plan Update and preserves the street network and street hierarchy specified within the plan.

**3. Billings Area Bikeway and Trail Master Plan**

The Billings Area Bikeway and Trail Master Plan does not identify a bike trail in this subdivision or bike lanes along Southgate Drive. There is a trail on the south side of King Avenue East which is to the north of this proposed subdivision.

**4. Amend Village Vision (SBBURD Master Plan)**

*Residents and businesses co-exist and complement one another in a mixed-use village oriented toward Amend Park. New and improved tree-lined streets, alleys, pathways, and greenways connect existing businesses, new housing, and attractive community amenities. Compact residential and neighborhood services facing Amend Park help activate its diverse, year-round, multi-generational recreational programs.*

**Key Concept 5:** Encourage recreation-oriented commercial uses near the park. Examples are a bike store with bike rentals, indoor recreation near the southeast corner of the park such as a fitness center, indoor play, electronic game center, bowling alley, skating rink, etc. Such uses could serve the neighborhood, local employers, hotels, South Hills, and the Josephine Crossing subdivision.

The proposed subdivision opens the door to the possibility of meeting some of the concepts outlined in the SBBURD Master Plan.

**D. Does the subdivision conform to the Montana Subdivision and Platting Act and to local subdivision regulations? [MCA 76-3-608(3)(b), BMCC 23-303(H)(2)]**

The proposed subdivision, with the proposed conditions, satisfies the requirements of the Montana Subdivision and Platting Act and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local and state subdivision regulations.

**E. Does the proposed subdivision conform to all requirements of the zoning in effect? [BMCC 23-303(H)(2)(e)]**

The subject property is located in Entryway General Commercial zoning. All development shall comply with the standards set forth in Section 27-1001, BMCC. Final zoning compliance will be determined at the time of the building permit.

**F. Does the proposed plat provide easements for the location and installation of any utilities? [MCA 76-3-608(3)(c) and BMCC 23-303(H)(2)(b)]**

The plat provides easements for utilities throughout the proposed subdivision. It is recommended that the developer work with NWE and MDU to show the needed easements on the final plat (**Condition #1**).

**G. Does the proposed plat provide legal and physical access to each parcel within the subdivision and notation of that access on the plat? [MCA 76-3-608(3)(d) and BMCC 23-303(H)(2)(c)]**

Access to the subdivision shall be from Southgate Drive.

### **CONCLUSIONS OF FINDING OF FACT**

- The preliminary plat of Amended Lot 1, Block 1, Geysers Park Subdivision does not create any adverse impacts that warrant denial of the subdivision.
- The proposed subdivision conforms to several goals and policies of the 2008 Growth Policy, and does not conflict with the 2009 Transportation Plan Update or the Trail Plan.
- The proposed subdivision complies with state and local subdivision regulations, local zoning, and sanitary requirements and provides legal and physical access to each lot.
- Any potential negative or adverse impacts will be mitigated with the proposed conditions of approval.

Approved by the Billings City Council, June 9, 2014.

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Thomas W. Hanel, Mayor